

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) No. 3:02-CR-137
)
RONALD EUGENE PADEN,)
)
) (JORDAN/SHIRLEY)
Defendant.)
)

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on the government's Motion to Continue [Doc. 17], filed on September 27, 2005. The government asks the Court to continue the September 29, 2005 competency hearing/status conference until October 3 or thereafter because the defendant will not be present in the district until that time. It maintains that transportation of prisoners has been significantly delayed due to Hurricanes Katrina and Rita, resulting in a backlog of the prisoner transportation system throughout the country. The government states that the defendant is projected to arrive in the district on October 3. In a telephone conference with chambers, Assistant Federal Defender Jonathan Moffatt, who is serving as standby defense counsel in this case, informed the Court that he did not object to the requested continuance. The parties agreed to a hearing date of October 6, 2005, at 10:00 a.m.

Initially, the Court notes that the defendant's presence is necessary to the competency hearing, particularly because the defendant represents himself. See 18 U.S.C. §§ 4241(c), 4247(d).

Because the government has stated good cause for the continuance and standby defense counsel does not oppose it on the defendant's behalf, the Motion to Continue [Doc. 17] the competency hearing/status conference is **GRANTED**. The competency hearing is reset to **October 6, 2005, at 10:00 a.m.**

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge